REMARKS

Claims **1-21** have been cancelled. Support for new claims may be found in Applicants' specification as originally filed on at least pages 10, 11, 13, 16, and 17. No new matter has therefore been introduced.

In the 10/12/2005 Office Action, the Examiner has rejected pending claims **1-21**. After cancellation of the claims **1-21** and addition of the new claims **22-42**, claims **22-42** are pending in the application. Allowance of pending claims **22-42** is respectfully requested.

Numbered sections correspond to like numbered sections in the 10/12/2005 Office Action.

35 USC § 103(a)

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest **all the claim limitations**. (MPEP, 2143; emphasis added). Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

3.   Claims **1-21** stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong *et al.* (US 5890175, hereafter 'Wong') in view of Bezos *et al.* (US 6029141, hereafter 'Bezos'). The Office Action states that Wong "substantially teaches" an electronic commerce system having the following properties: (1) "a host in communication with a plurality of distributors..., the host having a capability to sort discrete items from the distributors..."; and (2) "a store builder ... including border design and store name ... , merchant store information; product mix commensurate with a specialty store ... , store builder maintains a consumer accessible website

separate from the store ... and electronic link to the store..." The Office Action further states that Wong "substantially teaches" a method having a store owner: "[1] electronically accessing a host, [2] select a store type, [3] setting up an account, [4] customizing the appearance, [5]customizing a product mix ... [6] including border design name and store name ... merchant information; [and 7] product mix commensurate with a specialty store..." As discussed below, the system as claimed by Applicants is not taught by Wong.

The cited portions of Wong do not teach the use of an object-oriented class designation or the use of object-property values associated with description of products. In Wong, each item is associated with group information. (col. 4, lines 7-8). This group information is "used for acquiring such information as a product group description, group ID, picture information, hierarchy, search keywords, and associated program 'applets'." (col. 4, lines 7-11). These terms are not otherwise defined in Wong and are therefore to be interpreted based on plain meaning. M.P.E.P. 2111.01. Further, "[a]ny item to be entered into the catalog must be associated with group information, to help classify the item in a logical structure that simulates a traditional catalog." (col. 4, lines 11-14).

As taught by Wong, each product in the system must be described using at least one of : (1) product group description; (2) group ID; (3) picture information; (4) hierarchy; (5) search keywords; and (6) associated program 'applets'. As taught by Wong, the information describing each product in the catalog is entered according to at least one of the six types of information described. The products are then sort-able into various configurations in the catalog based on this entered information. By contrast, Applicants' object-oriented system may be suitably configured for the sorting of discrete items based not on information as directly entered, as in Wong, but based on the relationship between descriptions of the item as entered and the object property values relating to the various items.

For example, when entering an item into the system of Wong, one must develop a description for the item corresponding to the at least one of the six categories disclosed in Wong. By contrast, when entering an item into the Applicants' system one enters a unique property value, this

unique object property value being further related to additional object properties. Under Applicants' system, the item having a unique object property value may be sorted based on these additional object properties. As made clear in this example, the object-oriented nature of Applicants' invention reduces the difficulty of the item description process and therefore significantly improves one's ability to enter and sort items.

As an additional example, when modifying the item database of Wong, one must modify the descriptions of every single item within the database to allow sorting of the various items based on the modified protocol. By contrast, under Applicants' system when an related object property is modified, the relevant individual items are automatically sorted according to the modified object property protocol. There is not need to modify the descriptions of every single item. As made clear in this example, the object-oriented nature of Applicants' invention reduces the difficulty of the updating process and therefore significantly improves one's ability to modify descriptions of items and therefore significantly improves one's ability to customize stores.

Following a description of Wong, the Office Action describes Bezos as teaching "[1] devising a commission schedule ... and [2] stores providing a consumer with access to items assigned a unique tag." The cited portions of Bezos do not teach the use of assigning a unique object property value to an item for the purpose of further associating that item with additional object properties. In Bezos, there is no indication that the items are defined using object-property values. (col. 7, lines 10-15; col. 11, lines 55-65). As described above, Applicants' object-oriented product description and sorting system provides significant advantages over either the system of Wong or the system in Bezos.

Describing Wong in view of Bezos, the Office Actions states: "[i]t would have been obvious to one of ordinary skill in the [art] at the time of the invention to have used the commission and access via a distributor, to items assigned a unique tag as in Bezos in the system and method of Wong since the commission and access of Bezos would have promoted marketing of goods and exposure as taught by Bezos." Neither Wong nor Bezos teaches or suggests the use of object-oriented product description and sorting. Additionally, object-oriented product description is not

taught by the combination of Wong and Bezos. As such, the new claims **22-42** may not be properly rejected under §103 based on the Wong and Bezos references.

Further, the Office Action states: "[i]t also would also have been obvious to have customized the store by a combination of all the options of claim 3 since these are well known in the store building art for further distinction of store sites." While claim 3 is no longer pending, Applicants submit that this rejection of a dependent claim would be improper in the event that the independent claim from which it depends is found patentable. By definition, the dependent claim incorporates all the limitations of the independent claim from which it depends. 35 U.S.C. § 112. Inasmuch as a dependent claims adds limitations to the independent claim from which it depends, the dependent claim is narrower in scope than its independent claim. Therefore, if the broader independent claim is patentable, a narrower dependent claim must likewise be patentable. Put another way, if an invention is patentable so too must various narrower embodiments of that invention.

Further, the Office Action states: "[i]t also would have been obvious to have the product mix commensurate with a key word store since this is well known in the art for customer searching and which would have been adopted for the intended use of searching the mall of Wong." Assuming that this issue is in reference to a dependent claim, if the broader independent claim is patentable, a narrower dependent claim must likewise be patentable.

Further, the Office Action states: "[i]t also would have been obvious to have permitted the ordering of personalized items since this is well known in the [art] and would have been adopted for the intended use of at least applications to clothing items ..." Assuming that this issue is in reference to a dependent claim, if the broader independent claim is patentable, a narrower dependent claim must likewise be patentable.

Further, the Office Action states: "[i]t also would have been obvious to have a store owner own multiple stores each with a different URL since this would have been adopted for the intended use of running multiple specialty stores." Assuming that this issue is in reference to a dependent

claim, if the broader independent claim is patentable, a narrower dependent claim must likewise be patentable. Assuming that this issue is in reference to a dependent claim, if the broader independent claim is patentable, a narrower dependent claim must likewise be patentable.

Further, the Office Action states: "[i]t also would have been obvious to have the host not discernable by the customer since the customer interaction of Wong and Bezos is with the store (buying from the store, not the mall in general)." Assuming that this issue is in reference to a dependent claim, if the broader independent claim is patentable, a narrower dependent claim must likewise be patentable.

Further, the Office Action states: "[i]t also would have been obvious to have deselected undesired items since this would have been adopted at least for the intended use of generating specialty stores." Assuming that this issue is in reference to a dependent claim, if the broader independent claim is patentable, a narrower dependent claim must likewise be patentable.

4.   The Office Action addresses citations of Wong and Bezos as described in previous Office Actions. Applicants thank the Examiner for the clarifications of this section.

5.   The Office Action addresses motivation to combine Wong and Bezos and describes "Bezos at col. 1, lines 25-50 and col. 3, lines 25-40." Applicant respectfully traverses this rejection on the ground that the combination of Wong and Bezos does not teach Applicants' invention.

6.   The Office Action addresses whether a unique tag is disclosed in either Wong or Bezos or whether such a tag would be obvious to one of ordinary skill in the art in view of Wong and Bezos. Applicants respectfully traverse this portion of the Office Action. Applicants submit that the store ID, group ID, and unique ID as taught by Wong, Bezos, or the combination of Wong and Bezos are not taught as having object-oriented properties as in Applicants' invention. Please see the above discussion relating to the lack of object-oriented disclosure in Wong and Bezos.

7.   The Office Action addresses whether "the combination of Wong and Bezos teaches selecting a store type, setting up an account as a unique store owner, customizing the store appearance, customizing a product offering, or providing a commission schedule utilizing an e-commerce system." Applicants respectfully traverse this portion of the Office Action. Applicants submit that the cited sections of Wong and Bezos do not teach the use of object-oriented product descriptions as used in Applicants' invention.

8.   The Office Action addresses whether the references teach an electronic commerce system including assignment of a unique data class tag. Applicants respectfully traverse this portion of the Office Action. Applicants submit that the cited sections of Wong and Bezos do not teach the use of object-oriented product descriptions as used in Applicants' invention. The "unique data class tag" is not disclosed in either Wong or Bezos as enabling object-property properties.

CONCLUSION

Claims **1-21** have been canceled. Claims **22-42** are pending in the application. The rejections in the Office Action were applicable to claims **1-21**, now cancelled. As such, applicants requests that the rejections be withdrawn. Applicants respectfully submit that pending claims **22-42** are patentable over the cited references and are in condition for allowance. Claims **1-21** that were rejected in the 10/12/2005 Office Action have been cancelled. As such, Applicants respectfully request consideration of pending claims **22-42**.
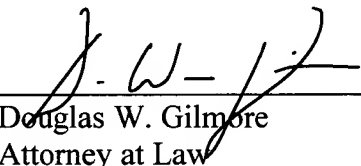
No amendment made herein was related to the statutory requirements of patentability unless expressly stated; rather any amendment not so identified may be considered as directed *inter alia* to clarification of the structure and/or function of the invention and Applicants' best mode for practicing the same. Additionally, no amendment made herein was presented for the purpose of narrowing the scope of any claim, unless have argued that such amendment was made to distinguish over a particular reference or combination of references. Furthermore, no election to

pursue a particular line of argument was made herein at the expense of precluding or otherwise impeding Applicants from raising alternative lines of argument later during prosecution or on appeal. Applicant's failure to affirmatively present specific arguments is not intended to be construed as an admission to any particular point raised by the Examiner.

Should the Examiner have any questions regarding this Response and Amendment or feel that a telephone conference with the undersigned would be helpful to advance prosecution of this matter, the Examiner is invited to call the undersigned at the number given below.

Respectfully submitted,

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